

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

JAMES NIGEL BOSTIC,

Defendant

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02-CR-135-S

O R D E R

After this matter was remanded for the purposes of considering whether the defendant, JAMES NIGEL BOSTIC, should be re-sentenced, this Court directed the parties to set forth their positions on the matter in accordance with the procedures outlined in United States v. Crosby, 397 F.3d 103 (2d Cir. 2005). Both the defendant and the government have filed statements advising this Court that they are in agreement that the original sentence imposed should not be disturbed. Having reviewed the parties' submissions, the statutory sentencing factors in 18 U.S.C. § 3553(a), and the terms of the original sentence, this Court finds that the previously imposed sentence is fair, reasonable, and just. Thus, this Court declines to resentence the defendant.

ALL OF THE ABOVE IS SO ORDERED.

DATED: Buffalo, New York, November 9, 2005.

/s/William M. Skretny
HONORABLE WILLIAM M. SKRETNY
UNITED STATES DISTRICT JUDGE